

**REMARKS**

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 1-9, 11, 12, 14, 26-32, 35, 36, and 38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,889,246 to Kawamoto et al. ("*Kawamoto*") in view of U.S. Patent No. 6,449,219 to Hepp et al. ("*Hepp*"); and rejected claims 13 and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamoto*, in view of *Hepp*, and further in view of U.S. Patent No. 6,628,974 to Lim ("*Lim*").

Applicant proposes to amend claims 1 and 26. Upon entry of this amendment, claims 1-9, 11-14, 26-32, and 35-38 will remain pending.

Applicant respectfully traverses the rejection of claims 1-9, 11, 12, 14, 26-32, 35, 36, and 38 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Kawamoto* in view of *Hepp*, does not teach or suggest each and every element of claims 1-9, 11, 12, 14, 26-32, 35, 36, and 38. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a system including, for example:

a plurality of hand held terminal devices . . .  
an information distribution apparatus . . .  
display means . . .

. . . .

wherein,

the information distribution apparatus distributes additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices, and

the advertisement information is displayed as an Internet banner depicting items for sale.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(emphasis added). *Kawamoto* does not teach or suggest at least the claimed “advertisement information.”

*Kawamoto* discloses a network server and terminal device that “transmit various information to a user being the destination of the information” (col. 1, lines 37-38). *Kawamoto* is silent regarding any type of “advertisement information.” Therefore, *Kawamoto* does not teach or suggest the claimed information distribution apparatus wherein “the information distribution apparatus distributes additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices, and the advertisement information is displayed as an Internet banner depicting items for sale,” as recited in claim 1.

The Examiner correctly states that *Kawamoto* does not disclose “additional information being distributes [sic] to the plurality of hand held terminal devices” (Office Action at pager 6). However, the Examiner relies on *Hepp* to allegedly disclose the claimed “advertisement information” (Office Action at pages 6-7). Applicant respectfully disagrees.

The Examiner asserts that Applicant has not defined “advertisement,” and the Examiner defines advertisement as “the act or process of advertising” and advertise as “to make something known to” (Office Action at page 7). Using these definitions, the Examiner states that the combination of *Kawamoto* and *Hepp* discloses the claimed

“advertisement information” because *Kawamoto* and *Hepp* make something known to the terminal devices (Office Action at page 7).

Applicant does not necessarily agree with the definition stated by the Examiner. Applicant also submits that, even if the above definition is used, the prior art does not teach or suggest the “advertisement information” recited in claim 1.

*Hepp* discloses creating a computer based timepiece that represents the time of day on an optoelectronic display by using a dynamic representation including the timepiece and the time of day on the one hand and additional information generated by an animation program (column 1, lines 57-67). According to *Hepp*, “additional information relates to geographical information on the one hand, namely e.g., the horizon 5, and to information specifically connected to the course of time on the other hand” (col. 4, lines 59-62).

Claim 1, as amended, requires “advertisement information” that “is displayed as an Internet banner depicting items for sale.” The geographical information displayed in *Hepp* is not displayed “as an Internet banner depicting items for sale.” Therefore, *Hepp* does not teach or suggest distributing “additional information” that “is displayed as an Internet banner depicting items for sale,” as recited in claim 1.

Accordingly, *Kawamoto* and *Hepp* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of claim 1. Claims 2-9, 11, 12, and 14 depend from claim 1 and are thus also allowable over *Kawamoto* in view of *Hepp*, for at least the same reasons as claim 1.

Independent claim 26, though of different scope from claim 1, is allowable for at least the same reasons as claim 1. Claims 27-32, 35, 36, and 38 depend from claim 26 and are thus also allowable over *Kawamoto* in view of *Hepp*, for at least the same reasons as claim 26.

Although the Examiner cites *Lim* in the rejection of dependent claims 13 and 37, Applicant respectfully asserts that *Lim* fails to cure the deficiencies of *Kawamoto* and *Hepp* discussed above.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-9, 11-14, 26-32, and 35-38 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending claims 1-9, 11-14, 26-32, and 35-38 are in condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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